

REMARKS

Reconsideration of the present application as amended is earnestly solicited. This application includes 18 claims. Claims 11 and 12 have been indicated to contain allowable subject matter. Claim 11 has been amended to place is in independent form. Thus, claim 11 and its dependent claim 12 are believed to be in condition for allowance.

The remaining claims 1-10 and 13-18 were rejected as anticipated by U.S. Patent No. 4,815,924 to Jaatinen. In order to focus the issues for reconsideration, Applicants have elected to cancel independent claims 1, 14, 15 and 18 in favor of presentation in a continuing application. However, Applicants have amended claim 8 to incorporate the limitations of its parent claim 1. It is believed that claim 8 is novel and non-obvious over the Jaatinen reference.

Claim 8 recites that the free ends of the extension forks are supported by a "means for supporting", while the drive mechanism for extending the forks is connected at the opposite end thereof. As illustrated in FIG. 3 of the present application, one embodiment of this "means for supporting" includes an idler roller assembly 33 that supports the extension forks as they are extended. This means for supporting is important to this embodiment because of the weight of the article A being transferred between conveyors and because of the lengthy gap between the two conveyors C_1 and C_2 that must be spanned.

Neither of these problems is present with the saw table of Jaatinen. Consequently, the Jaatinen reference neither discloses nor contemplates providing any "means for supporting" the free end of its spacer strips 8. As shown in FIGS. 1 and 3 of Jaatinen, the each strip 8 is simply cantilevered off the downward directed tongue 12 that is engaged to the strip carriage 11. Of course, for a reference to anticipate a claim, it must show every element of that claim. The Jaatinen does not disclose any "means for supporting" the free end, so it cannot anticipate Applicants' invention of claim 8.

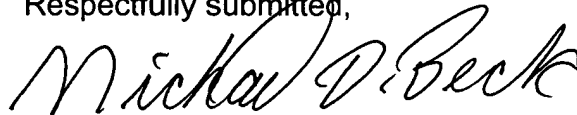
Moreover, there is no suggestion in Jaatinen to add a "means for supporting" as recited in claim 8 of the present application. First, as is apparent from FIG. 1, the spacer strips 8 need only span a very short distance between

the intermediate table 5 to the stacking station 4. Moreover, as stated at col. 2, lines 58-62, of Jaatinen, the spacer strips "are conveyed upon parallel transport rolls 14 of the lifting table of the stacking station 4, or upon a stack placed thereupon". This excerpt explains that the spacer strips rest upon the lifting table or upon a stack already sitting on the lifting table. Consequently, there is no need in the Jaatinen apparatus to provide a means for supporting as part of the spacer strips themselves, as required by Applicants' claim 8.

As indicated above, Applicants have amended claim 8 to place in independent form. Claims 2 and 13 have also been amended to change their dependency from claim 1 to claim 8.. It is believed that claim 8 and its dependent claims 2-7, 9, 10, 13, 16 and 17 are believed to be allowable over the art of record.

All of the remaining claims in this application are in condition for allowance and action toward that end is requested. The Examiner is invited to contact the undersigned agent of record to address any remaining issues to place this condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, reading "Michael D. Beck". The signature is fluid and cursive, with the first name "Michael" and last name "Beck" clearly legible.

April 20, 2004

Michael D. Beck
Reg. No. 32, 722
Maginot, Moore & Bowman
Bank One Center/Tower
111 Monument Circle, Suite 3000
Indianapolis, Indiana 46204-5115
Phone: (317) 638-2922
Facsimile: (317) 638-2139